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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/401,581	09/22/1999	DAVID L. NEWBOLD	3330/46	4842
29858	7590	06/30/2004		
BROWN, RAYSMAN, MILLSTEIN, FELDER & STEINER LLP 900 THIRD AVENUE NEW YORK, NY 10022				
			EXAMINER LUDWIG, MATTHEW J	
			ART UNIT 2178	PAPER NUMBER

DATE MAILED: 06/30/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/401,581

Applicant(s)

NEWBOLD, DAVID L. 

Examiner

Matthew J. Ludwig

Art Unit

2178

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 09 April 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-38 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7, 10-12, 14-16, 18-28, 31-33 and 35-37 is/are rejected.
- 7) ☒ Claim(s) 8, 9, 13, 17, 29, 30, 34, and 38 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

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DETAILED ACTION

1. This action is responsive to communications: Request for reconsideration filed 4/9/04.
2. Claims 1-38 are pending in the case. Claims 23-38 have been added according to Amendment A. Claims 1, 18, and 22 are independent claims.
3. Claims 1-7, 10-12, 14-16, 18-28, 31-33, 35-37 remain rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen in view of Minter.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1-7, 10-12, 14-16, 18-28, 31-33, 35-37 are rejected under 35 U.S.C. 103(a) as being unpatentable over Cohen et al., U.S. Patent Number 6,356,898 filed (11/13/98) in view of Minter, U.S. Patent Number 6,560,588 filed (10/30/97).

In reference to independent claim 1, Cohen teaches:

Cohen teaches a labeler that assigns labels or topics to the content areas, which topics are then arranged in a table of contents. The documents accessed by the expert are monitored and stored to create a usage trail. The usage trail is analyzed to automatically determine one or more content areas of the documents, and the usage trails and content areas are stored (compare to "assigning one or more topics to each of a plurality of documents based at least in part upon content contained in the documents"). See column 6, lines 1-57.

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Within the parsing method taught by Cohen, a second method is disclosed that loops through the usage trail to consider each document and reads the method of user access to each document as stored in the log. If the URL for the document is one of the user's bookmarks, the bookmark name is set as a token for clustering. Otherwise, a token is created representing the method of access. Creating the token comprises comparing the access method to a table of access methods, which are set to suggest a topical break. It is this token, which provides a reasonable suggestion of a variable attributed to the user's document trail and maintained through the use of a continuous loop that constantly examines the user's document trail (compare to "***maintaining an affinity variable associated with the user for each of one or more of the topics assigned to a document attributed to the user***"). See column 11, lines 15-45. The reference, and more importantly, the token, provides an association between the user, a variable, and a document.

Cohen provides a method of adding tokens to a cluster. This procedure is adhered until a cluster break is reached. The token, or variable disclosed in Cohen suggests the addition of tokens representing the document trail; however, the reference does not explicitly disclose the utilization of a threshold value. Mentor discloses a method for determining attributes of a file. A threshold is calculated based on the behavior of a user's activities. The file contains information about the location or address of each user. A threshold calculation would have given the user the added benefit of a measured correlation between content on the web. It would have been obvious to one of ordinary skill in the art, having the teachings of Cohen and Minter before him at the time the invention was made, to modify the usage trail analysis methods taught by Cohen to include the threshold determination methods of Minter, because it would have provided Cohen

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with a way to limit the number of clusters generated and improve the efficiency of the cluster process.

The reference does not explicitly disclose the utilization of threshold values associated with a user; however, Minter teaches the calculation of scores, which are used to allocate friends for each user. For example, one user is considered, and for each pair of which he is a member, the other member will be his friend, if the score for that pair is above a threshold value. The reference demonstrates the associations between a score and a user. If the score reaches a threshold, the user inherits a friend through the service. The score provides a proficient method for using a score as a variable and determining whether the score reaches a specific threshold value (compare to “*determining whether a first affinity variable for the user for a given topic has reached a threshold; and associating the user with the given topic for the first affinity variable which reaches the threshold*”). See column 6, lines 22-39.

It would have been obvious to one of ordinary skill in the art, having the teachings of Cohen and Minter before him at the time the invention was made, to modify the document summarizing methods taught by Cohen to include the identification methods of Minter, because they would have provided a user the benefit of having a ranking method to further identify experts in a web environment.

In reference to dependent claim 2, Cohen teaches:

The list of documents associated with each topic is stored in the table of contents or a separate relational table, so that they can be retrieved for presentation to other users as described. See column 6, lines 5-10.

In reference to dependent claim 3, Cohen teaches:

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The server transmits the list of other experts, associated documents, and alternative trails to the client for sequential display. See column 8, lines 3-13.

In reference to dependent claim 4, Cohen teaches:

As the expert browses the web, the WBI client checks when a new web page has been accessed. In this context, a new web page includes any change in web page, even to a web page the expert has previously accessed. See column 7, lines 9-16.

In reference to dependent claim 5 & 6, Cohen teaches:

The group data is associated with the expert. See column 7, lines 50-60. The reference does not explicitly disclose updating a variable for a topic; however, the scores are then used to allocate friends for each user. One user is considered, and for each pair of which he is a member, the other member will be his friend, if the score for that pair is above a threshold value. See column 6, lines 21-40. It would have been obvious to one of ordinary skill in the art, having the teachings of Cohen and Minter before him at the time the invention was made, to modify the document summarizing methods taught by Cohen to include the identification methods of Minter, because they would have provided a user the benefit of having a ranking method to further identify experts in a web environment.

In reference to dependent claim 7, Cohen teaches:

The user chooses a label or topic, which represents a trail of documents in the associated content area. See column 8, lines 6-13.

In reference to dependent claim 10, Cohen teaches:

If the expert belongs to a group such as a department within an organization, the group data is associated with the expert, and the expert, group and label data is stored in the database.

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The server may contain a table of groups and users for use in making this determination, of the expert's log file may contain data identifying which groups, of any, to which the expert belongs.

See column 7, lines 50-60.

In reference to dependent claim 11, Cohen teaches:

The server may contain a table of groups and users for use in making this determination.

See column 7, lines 52-58.

In reference to dependent claim 12, Cohen teaches:

The user is allowed to interact with each document provided and to issue commands whether to proceed with the other documents in the trail or pursue another trail followed by one of the other identified experts. See column 8, lines 20-26.

In reference to dependent claim 14, Cohen teaches:

If the expert belongs to a group such as a department within an organization, the group data is associated with the expert, and the expert, group and label data is stored in the database. The server may contain a table of groups and users for use in making this determination, of the expert's log file may contain data identifying which groups, of any, to which the expert belongs. See column 7, lines 50-60.

In reference to dependent claim 15, Cohen teaches:

If the user knows the group but not a particular expert, the user can specify the group, and the table of contents is queried for labels associated with the experts in that group. See column 7, lines 63-67.

In reference to dependent claim 16, Cohen teaches:

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Different heuristics may be applied to partition the usage trail based on the user actions.
See column 10, lines 2-5.

In reference to claims 22-28, 31-33, 35-37, the limitations recite the apparatus for carrying out the methods of claims 1-7, 10-12, and 14-16 respectfully, and therefore are rejected under similar rationale.

In reference to claims 18-21, the claims recite the system for carrying out the methods of claims 1-4, and therefore are rejected under similar rationale.

Allowable Subject Matter

6. Claims 8, 9, 13, 17, 29, 30, 34, 38 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Response to Arguments

7. Applicant's arguments filed 4/9/04 have been fully considered but they are not persuasive.

Applicant argues on pages 3-4 of the request for reconsideration that neither reference alone nor the combination of the references teaches or suggests all limitations of independent claim 1. Applicant further states that neither Cohen or Minter, alone or in combination, teach or suggest, assigning topics to documents or associating document with topics, and maintaining an affinity variable for a user for each of the topics assigned to a document associated with a user. The Examiner notes that (as presently claimed), Cohen teaches a labeler that assigns labels or topics to the content areas, which topics are then arranged in a table of contents. The documents accessed by the expert are monitored and stored to create a usage trail. The usage trail is

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analyzed to automatically determine one or more content areas of the documents, and the usage trails and content areas are stored (compare to “*assigning one or more topics to each of a plurality of documents based at least in part upon content contained in the documents*”). See column 6, lines 1-57.

Within the parsing method taught by Cohen, a second method is disclosed that loops through the usage trail to consider each document and reads the method of user access to each document as stored in the log. If the URL for the document is one of the user’s bookmarks, the bookmark name is set as a token for clustering. Otherwise, a token is created representing the method of access. Creating the token comprises comparing the access method to a table of access methods, which are set to suggest a topical break. It is this token, which provides a reasonable suggestion of a variable attributed to the user’s document trail and maintained through the use of a continuous loop that constantly examines the user’s document trail (compare to “*maintaining an affinity variable associated with the user for each of one or more of the topics assigned to a document attributed to the user*”). See column 11, lines 15-45. The reference, and more importantly, the token, provides an association between the user, a variable, and a document.

Cohen provides a method of adding tokens to a cluster. This procedure is adhered until a cluster break is reached. The token, or variable disclosed in Cohen suggests the addition of tokens representing the document trail; however, the reference does not explicitly disclose the utilization of a threshold value. Mentor discloses a method for determining attributes of a file. A threshold is calculated based on the behavior of a user’s activities. The file contains information about the location or address of each user. A threshold calculation would have given the user the added benefit of a measured correlation between content on the web. It would have been obvious

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to one of ordinary skill in the art, having the teachings of Cohen and Minter before him at the time the invention was made, to modify the usage trail analysis methods taught by Cohen to include the threshold determination methods of Minter, because it would have provided Cohen with a way to limit the number of clusters generated and improve the efficiency of the cluster process.

Applicant's argument that neither Cohen nor Minter teaches the limitations within the claimed invention has been assessed; however, the Examiner disagrees with the amended claims and respectfully makes the rejection final.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

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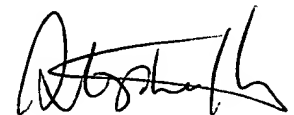
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Matthew J. Ludwig whose telephone number is 703-305-8043.

The examiner can normally be reached on 8:00am-5:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on 703-308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

ML
June 24, 2004



STEPHEN S. HONG
PRIMARY EXAMINER